



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
August 19, 2014**

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:32 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, and Krisanna Clark. Councilor Matt Langer via conference call. Councilors Robyn Folsom arrived at 6:37 pm and Councilor Bill Butterfield arrived at 6:57 pm.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Finance Director Julie Blums, Human Resource Analyst Sherryl Childers and City Recorder Sylvia Murphy. City Attorney Heather Martin. City Attorney Chris Crean arrived at 6:40 pm.
4. **TOPICS:**
 - A. Exempt Public Records & Pending Litigation (ORS 192.660(2)(f)(h)).

5. ADJOURN:

Mayor Middleton adjourned the Executive Session at 6:57 pm and convened to a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:05 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Krisanna Clark, Bill Butterfield and Robyn Folsom. Matt Langer via conference call.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Finance Director Julie Blums, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Community Development Director Julia Hajduk, City Engineer Bob Galati, IT Director Brad Crawford, Planning Coordinator Kirsten Allen, Senior IT Analyst Pia Park, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

5. CONSENT AGENDA:

- A.** Approval of August 5, 2014 City Council Meeting Minutes
- B.** Resolution 2014-058 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with Washington County Law Enforcement for the purposes of maintaining participation with inter-agency teams
- C.** Resolution 2014-059 Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with Metro regarding funding to help implement the Southwest Corridor Shared Investment Strategy

MOTION: FROM COUNCILOR CLARK TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR LANGER VIA CONFERENCE CALL).

Mayor Middleton amended the agenda and stated that presentations would be addressed before Citizen Comments.

6. PRESENTATIONS

A. Sherwood High School Student Academic & Athletic Achievement Recognition

The City Council recognized Sherwood High School students for Academic and Athletic Achievements, students that received a perfect 4.0 GPA for the 2013-14 school year and students that placed 1st in State in a sport or art, as a team or individual. City Manager Joe Gall called forward students and the Council members presented them with Certificates of Achievement.

B. Introduction of new City Staff

IT Director Brad Crawford came forward and briefly introduced Pia Park as the new IT Analyst. He said Pia replaces the former IT Analyst who moved on to different opportunities. He stated Pia comes to us from the City of Milwaukie with a wealth of experience and they are pleased to have her on board.

Council President Henderson asked Pia where she is from. Pia said she is originally from South Korea and has been living in Oregon for about 20 years.

Mayor Middleton welcomed Pia and addressed the next agenda item.

7. CITIZEN COMMENTS

Josephine Claus, Sherwood resident approached the Council and provided documents (see record). She referred to a contract to sell two parcels of land in Sherwood to a private party contractor to develop the two parcels into a 100 unit apartment building. She stated there was a request for proposal but they do not know if more RFPs were made and said there is no record of the conditions however the contract required a series of land use zoning exceptions from Sherwood regulations. She noted that it required the City to put in the streets, sanitary sewer and storm water facilities. She said the urban renewal project in Sherwood has been usual with a mix of removing preexisting buildings in the downtown area and the

development of farm ground formerly being zoned light industrial. She stated normally a RFP would have involved redevelopment of the entire cannery area with stated goals on what real estate tax base the City was hoping to obtain in order to pay back out the excess value real estate taxes. She stated these taxes would come to the city and allow them to pay off the urban renewal projects having a substantially increased tax base. She said the other agencies in Oregon who are losing their share of these real estate taxes would have increased revenue to justify the loss of this money and loss of their fair share of the real estate taxes for 20 years. She said the approach Sherwood took on developing the urban renewal was not around a comprehensive plan to be built immediately in the urban renewal area but a piece-meal approach. She said this is a major question that she cannot determine by the documentation as the documentation is not inclusive and therefore questions must be answered. She said the key question is where and when was there a public hearing to talk about the sale of these two parcels of land. She asked if the RFP was the public hearing or was it the public hearing where it was not explained to the citizens that the contract had been signed and the citizens being there was a formality. She asked if that was an adequate due process. She said what is not clear according to the record keeping they have obtained is whether or not it was agreed by the City Council if they accepted the plan and granted the necessary zoning changes to put apartments in the cannery urban renewal project and granted a variance on parking. She stated there are other exceptions in the contract from our land use code. She said given the way public hearings are held in Sherwood it is obvious you might suggest the RFP. She noted that urban renewal meetings, which are not open to the public as a general rule, are where these decisions were made to grant all of the changes necessary for the 100 unit apartments to be built. She referred to the unusual form of public hearings where questions can be asked and they are not answered under advice of legal counsel. She requested these questions be answered in writing so they can pursue with other groups such as land conservation, development commissions, etc.

Patricia Claus, Sherwood resident came forward and provided documents (see record) pertaining to the Oregon Constitution and the US Constitution specifically about free speech expression, petition your government, etc. She said they are in a broad sense what makes America distinguishable from many as an open and democratic system. She stated her father was lucky enough to attend Leland Stanford Junior University where two founding principals were true, that we must guide ourselves on moral and ethical principles which is the reason Mrs. Stanford insisted that the church is always at the center of university activities. She said the university has a principle called the Fundamental Standard Committee meant to help citizens honor commitments and uphold the highest conduct in principal and life meant to help all God's children understand that we are a society of principles in law and process not a society of self help. She said an educated person who cannot follow those principles simply is more able to exploit their fellow citizens than to care for them and honor their commitments. She stated she recently had a chance to meet Governor Barbara Roberts and she is a straight forward Oregonian who began her political career by accident. She said she believes that all people have a right to be treated fairly under the law and it is a mantra for the Governor. She stated Governor Roberts runs on public policy which is clearly annunciated and when an election was contested, public policy commitments always prevailed. She said if Oregon would have accepted her tax plan, revenue challenges could have been easily dealt with and Oregon would most likely be much better off. She said more than that, Governor Barbara Roberts believes in the educational process. She noted we have been blessed with many politicians such as Senator Wayne Morris and Senator Mark Hatfield who have helped expand Oregon's stature and governmental operations as a democratic bastion in the United States. She said her Dad always says it must be something in our water supply- just a sip will do. She stated that the first amendment grants far more than freedom of speech, it protects expression and the form to expand those expressions. She said it has been expanded and elaborated on by our legislative statues. She said the Fourteenth Amendment is engrained in Oregon in many ways. She noted there are four kinds of speech or expression and the

first is non-protected speech where certain speech or expression is not protected. She commented on using threats and self help and said that is not just a Stanford principle, it is the law of the land. She said next, you have normal commercial speech governed by the evidentiary standard of rational relationships and if you challenge it, you carry the burden of proof to prove it is not substantiated by the facts. She said third, is speech which is regulated as time, place, manner, and content neutral and that is a standard that lawyers refer to as intermediate scrutiny and if the City or a regulatory agency goes beyond time place manner and content neutrality, the evidentiary burden of proof is shifted to the state. She said lastly, we have political speech and it is the most protected category of speech and expression in the United States and Oregon and if the state attempts to regulate it, they are beyond merely writing the law, they have the evidentiary burden of strict scrutiny and must prove there is factual based research to support the restraints and or prohibitions. She commented that the Sherwood Sign Code does not separate this category of speech and they regulate it as they regulate real estate signs. She stated the public was told in a meeting that if you object to a political sign, or any other type of sign, on the right-of-way on your property the city staff, under advice of legal counsel, is now allowing adjacent property owners to take the signs down and destroy them. She said the signs are merely attempting to increase the chance of a candidate or issue winning an election, not trying to sell a product, goods or service. She noted there are other incidents on recalls and petitions where there have been attempts by political officials to stop the process through various forms of self help. She suggested the need for a special Blue Ribbon Committee that have proven experience and expertise to direct your staff, as well as the Council should do as we used to in kindergarten, take a time out and have a serious discussion with the citizens without police, advocate based lawyers, or secret meetings just an old fashioned public forum.

Jim Claus, Sherwood resident approached the Council and referred to the number of meetings he has attended and he cautioned that Oregon is more protective of the political expression of freedom than any state. He said Frohmeyer probably lost the election of governor based on his stand against it. He said he attended the most unusual meeting last Tuesday where it was suggested on the right-of-way that if you didn't like what was said on the sign you could take it down and that is self help. He referred to police reports filled out on one Councilor for attempting to intimidate the right to petition. He referred to one Councilor being caught with the sign of another. He said he has never heard a city advocating self help and said it is foolish. He commented on self help and asked where it stops. He commented on violence and said he would follow this complaint all the way because political speech and expression are protected by strict scrutiny and you can't come up with standards of not wanting them in roundabouts because they cause traffic accidents. He said they are a directional device and read in milliseconds. He stated he has never heard self help advocated in a city. He referred to the problems in Missouri. He said we aren't going to have a civilized society now or any time when you revert to self help. He commented on vandalism on his buildings and guns in meeting to suppress speech not encourage it. He referred to arresting, confiscating and stealing people's property. He provided examples of suppressing free speech and cautioned the Council to consider what it is doing.

Mr. Crean referred to the three resident's testimony and said there was a lot of information packed into the testimony some of which was accurate and much of which was not and he encouraged those who have legal questions about the sign code to direct them to the City Attorney through the City Manager.

Mayor Middleton addressed the next agenda item.

8. NEW BUSINESS

A. Ordinance 2014-015 Amending Chapter 2 of the Municipal Code creating and establishing the Sherwood Police Advisory Board

Police Chief Jeff Groth approached the Council and said they are proposing to establish a Police Advisory Board for the purpose of assisting the Police Department with establishing priorities for the delivery of police services including the types, levels and quality of service. He said the board is expected to make service and funding recommendations to the City Council. He stated that on February 9, 2013 the Council was presented with the concept of a Police Advisory Board or Commission and on January 21, 2014 the Council again discussed the concept and provided agreement on the concept and on July 15, 2014 the Council was presented with a proposal and framework of the board. He stated Police Advisory Boards are common in the region and serve a valuable purpose. He said the creation of the board will provide a valuable opportunity for citizen involvement and input and would be a valuable tool for feedback for the department. He said there are no additional budgetary funds that will be needed.

Councilor Clark commented on the membership categories and asked if it was modeled after other Police Advisory Boards. Chief Groth said he referenced two different models and one was boards from other communities and the special committee in Sherwood and how different representation was suggested. He said he tried to create a well-rounded group of representation.

Councilor Clark asked what other cities in the area have a Police Advisory Board. Chief Groth said Tigard and Newberg as well Springfield, Medford and Fairview.

Mayor Middleton commented that this is different than our other boards and said categorizing the membership will limit the Sherwood residents and he would suggest language similar to the other boards. He said it should be available to everybody and he has a hard time defining. He stated that is the only change he would suggest.

Councilor Henderson stated that SURPAC has categories of membership such as representatives from old town businesses, six corners and at large.

Mayor Middleton said this doesn't show fairness to the residents.

Councilor Henderson asked Chief Groth to explain the categories. Chief Groth said it was his goal to get those major components of the community represented on the board. He agreed that you can have the ability to select and recommend individuals for appointment but you don't always have the ability to choose who applies. He said this was modeled after other boards and was intended to help get major factions of the community represented.

Councilor Clark said she likes the areas he is targeting but agrees with the Mayor that it narrows the field. She suggested going to the School District, the youth community and the faith community and asking for representation, but to say we are holding a position just for that group shows some special privilege and it should be more open to residents.

Councilor Folsom clarified with the Chief that he was looking for stakeholders and suggested appointing liaisons assignments and keeping the board open to the citizens. She said she sees the value in stakeholder groups being represented and asked if there was another way that might work. She stated that she does not necessarily agree that it narrows the field because she understands what he is trying to

do but she understands there are a lot of citizens that may want to be involved so how can we manage both of those situations.

Chief Groth said they can craft the membership however the Council would like and the goal is to get those residents, business owners, faith community, Police Foundation, youth community and School District and said those are major components of this community and referred to living, working or playing and said this covers all of it. He said that was the goal and they could certainly have liaisons from those groups and we would have a much larger group.

Councilor Folsom said it is vital to have those representatives and it is also important to offer the citizens the involvement they want.

Chief Groth suggested changing the membership requirement to 4 or 5 residential positions and the remaining at large. He said the goal is to get a group of people that represent Sherwood and allow them to have the input in their Police Department.

City Manager Gall suggested having a 9 member board and requiring 5 to be citizens and then identify that the remaining 4 positions represent these following important components. He said don't make it mandatory but send a message to the community for the representatives you are looking for. He said that is one way of doing it and reminded the Council that you don't want the board to be too big.

Councilor Butterfield asked Chief Groth if he had issue with the Mayor's suggestion. Chief Groth responded no.

Mayor Middleton commented that the selection of the board members would be up to Chief Groth and the Police Advisory Board liaison.

Councilor Langer said the way the language is written provides the opposite of narrowing the field and said it will help ensure the board has a very diverse set of input. He commented on just requiring residency and provided a scenario of having 9 members who are angry and want to just change something. He said the way it is proposed is a healthy framework for an advisory board and suggests not making strong changes.

Councilor Grant agreed with Councilor Langer and said the defined stakeholder does the opposite and it broadens the participation and provides a diverse group instead of having a group that could all be of one mind. He said these are broad-brush definitions of stakeholders and it is modeled after other cities and is well put together.

Council President Henderson said a member of the youth community would be valuable considering a lot of the action our officers have is with the youth. She said a member from the School District is valuable and commented on emergency management and the need to communicate with the school district. She stated the representative from the faith community and the Police Foundation are important but she would be willing to compromise and leave that decision up to the selection committee. She noted that the faith community is also an important aspect in emergency management. She said she is open to a couple changes but would advocate for a representative from the youth community and the School District.

Councilor Butterfield commented on sensitivity and asked what member of the faith community would be invited and said it could be a problem.

Chief Groth suggested a compromise of changing Section A language to read “the boards member shall be appointed by the Mayor with consent of the City Council by resolution and shall have nine members, with an attempt to gain the following representation”.

Councilor Clark agreed with his suggestion and said that would keep the committee open to the public.

Councilor Grant suggested making a motion to amend.

Mayor Middleton asked to receive public comment.

Eugene Stewart, Sherwood property owner approached the Council and said you are trying to get citizen involvement but when you limit it to 9 members they need to invite the public to the meetings. Mayor Middleton said the meetings will be open to the public. Mr. Stewart suggested a town hall type of meeting where people can come and speak their mind and the board is willing to listen. He said instead of different groups how about different sections of the community such as a representative from Woodhaven. He said it will take a lot of work to get people involved and said if you invite them you need to listen to them. He commented on the Urban Renewal Agency meetings and said they rarely have public comment.

Dean Boswell, Sherwood resident came forward and said he is in favor of this and suggested having a 9 person board and let the selection committee choose the best representatives. He said you can assign board members to interact with the groups such as churches. He stated this would give you a wider selection of people to choose from and you would have board members who are actively seeking out information from those groups you are referring to.

Anthony Bevel, Sherwood resident approached the Council and said he takes exception to Councilor Langer’s comment about not wanting angry people on committees. He said you need people who are going to challenge and get things done. He said a better term would be concerned people not angry and it should be open to everybody.

Jennifer Kuiper, Sherwood resident came forward and said the edits that Chief Groth made are simple and a good compromise. She said open the board up and actively solicit representation from these particular groups. She commented on the first speaker and said there is public comment taken at a number of the committee meetings and referred to the Sherwood Charter Review Committee where they took public comment before and after. She said she assumes the Police Advisory would do the same.

Tim Voorhies, approached the Council and commented on attending a number of public meetings and said he has had staff members tell him that all public decisions are made prior to any public meeting and that it is just a formality to make the people feel like they are part of the process. He said he hopes this Police Advisory Committee is something better than that and said there is a lot of bad stuff happening in town. He referred to political signs being vandalized and trespassing and said history in this town repeats itself a lot. He commented on harassment and self help and provided an example. He said we need to get the people back into the process of the city. He shared a story regarding a bullet hole in a no parking sign and nothing happened and citizens were looked over. He said he is worried about this town and said there is something wrong and hidden and almost evil. He said he hopes good wins and the advisory committee should be for the people and hopefully there is no agenda and just a committee to make people feel good about being involved with the system and all of the decisions are already made.

Mayor Middleton closed the public comment period.

Councilor Langer commented that Eugene Stewart and Tim Voorhies are a good example of why we need the framework for the citizen involvement that the Chief proposed and said they are both business owners but not residents and said if you eliminate the requirement for two business owners and just ask for residents these two could not participate and the whole idea is to get as broad of input as possible.

Councilor Grant asked the Councilors to comment on the suggested language from Chief Groth, changing the word "consisting of" with "chosen with the objective of including".

Mayor Middleton said he is supportive of the change.

Council President Henderson suggested "chosen with the objective of including but not limited to the following".

Councilor Clark agreed as did Councilor Butterfield. The following motion was received.

MOTION TO AMEND: FROM COUNCIL PRESIDENT HENDERSON TO AMEND ORDINANCE 2014-015 TO AMEND EXHIBIT A UNDER MEMBERSHIP UNDER A, THE BOARD MEMBERS SHALL BE APPOINTED BY THE MAYOR WITH CONSENT OF CITY COUNCIL BY RESOLUTION AND SHALL HAVE NINE MEMBERS STRIKING "CONSISTING OF" SHALL HAVE NINE MEMBERS WITH AN ATTEMPT TO GAIN THE FOLLOWING REPRESENTATION BUT NOT LIMITED TO THE FOLLOWING; THEN THE SIX LINES THE CHIEF HAD WRITTEN BEFORE, SECONDED BY COUNCILOR CLARK, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR LANGER VIA CONFERENCE CALL).

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ, CAPTION AND ADOPT AMENDED ORDINANCE 2014-015, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR LANGER VIA CONFERENCE CALL).

Mayor Middleton addressed the next agenda item.

B. Ordinance 2014-016 Approving the Easement Relinquishment Located along the North Side of SW Meinecke Parkway Northwest of Highway 99 back to the Oregon Department of Transportation for the Cedar Brook PUD Project

City Engineer Bob Galati came forward and directed Council to page 45 of the packet which is an exhibit of the easement area that will be discussed. He said the ordinance relinquishes an existing easement for slope, water, gas, electric, communication service line fixtures and facilities. He said this easement was established as a slope easement when Meinecke Road was created by ODOT. He stated it is very wide and it is not necessary for it to be that wide. He noted they are asking for a relinquishment of the easement back to ODOT and said we will gain a PUE after that easement is vacated by ODOT as it becomes part of the subdivision improvement along Meinecke. He said in the end we will have a new PUE that meets City standards of 8 feet wide.

With no Council questions Mayor Middleton asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-016, SECONDED BY COUNCILOR CLARK, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR LANGER VIA CONFERENCE CALL).

Mayor Middleton addressed the next agenda item.

9. CITIZEN COMMENTS

With no citizens coming forward Mayor Middleton addressed the next agenda item.

10. CITY MANAGER REPORT

Mr. Gall announced that the Government Finance Officers Association awarded our Comprehensive Annual Finance Report a Certificate of Achievement for Excellence in Financial Reporting and he acknowledged Finance Director Julie Blums and staff for their hard work and effort. He read a sentence from the letter "this certificate of achievement is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management". He stated this is the second year in a row our Finance Department has received this award.

Mr. Gall announced a plan to upgrade the play equipment at Stella Olsen Park and said they have three options for the citizens to vote on. He noted there is an online survey and a paper survey at City Hall and said they would like input from the citizens.

Mr. Gall commented on the proposed dog park at Snyder Park and announced an Open House on Monday September 8 from 5:30-7:00 pm in the community room to solicit input from citizens on the conceptual plan and design.

Mr. Gall said August 20 the Woody Hite Band will be at Music on the Green and this Friday is the final Movie in the Park and they are showing the movie Frozen.

Councilor Clark asked if the concert that was cancelled due to lightning would be rescheduled. Mr. Gall said staff tried but the band was not available.

Mayor Middleton said a citizen told him that their sidewalk would not get repaired for 2 or 3 years and the citizen wanted to know if they could get into the sidewalk repair program earlier.

Public Works Director Craig Sheldon said we budget money for the sidewalk repair program and it is broken up into 4 quarters of the City and we cannot do repairs early due to the budget. Mr. Gall asked if that would require a code change. Craig said the entire sidewalk program would have to change.

Councilor Clark asked if it is more cost effective to take care of one area at a time. Craig said they identified areas by high, medium and low.

11. COUNCIL ANNOUNCEMENTS

Councilor Clark congratulated the YMCA for the triathlon and said this was initiated by Kelly Marker who brought the idea forward to help support the Sherwood Charter School and this was the 7th annual. She

thanked Kelly Marker and the YMCA for supporting the event. She thanked everyone who attended the Sherwood Knight carwash. She said the Italian festival was successful and thanked Kes Rooney for singing and Jennifer Harlow from Blue Plume Studios for the painting performance. She announced the Main Street meeting is Thursday at 4 pm at the Rebekah Lodge. She announced the High School marching band will perform on Friday at 4 pm on the football field. She said Saturday August 23 she will be attending the Tualatin River paddle race at Cook Park. She said Wednesday August 27 Representative John Davis is having a get together barbeque at Snyder Park at 6 pm and everyone is invited. She thanked Mr. Gall for nominating her and Council President Henderson to the ALS Ice Bucket Challenge and said her late husband Del's father died of ALS complications and she was happy to take the challenge.

Councilor Langer announced the YMCA pool will be closed for maintenance August 30 to September 14 and the upstairs will be closed September 8-15. He said the new session begins September 15 and the YMCA Golf Tournament is September 15. He said a project manager class is offered on September 26 and a women's self-defense class is offered on September 27. He announced the Sherwood Chamber of Commerce 12th Annual Golf Tournament is September 18th at Meriwether Golf Club and the Onion Festival is October 11th at Archer Glen from 9 am to 4 pm.

Councilor Grant referred to the pictures Council President Henderson provided (see record, Exhibit A) of their walk through of the Community Center. The pictures were displayed on the screen and he provided an explanation. He said the center has an open feel.

Councilor Folsom referred to a picture and said the first two spaces on the left will be the retail space and the other large space will be one of the two classrooms and the second classroom is upstairs. She thanked the staff for the tour and said it will be a great asset to the community.

Councilor Henderson said the retail space will be three 1000 square foot spaces for tenants. She said staff will be working on finding complimentary businesses to go into the center which will help fund the ongoing expenses.

Councilor Grant said he attended the ribbon cutting for Walmart and commented on the number of people that attended and said Walmart gave away over \$100,000 to charitable organizations and provided an example of the Police Foundation. He commented on their willingness to participate and grant money to charities.

Chief Groth clarified that the check was to Oregon Special Olympics on behalf of the Sherwood Police Department. He said Walmart answered a corporate challenge that was issued by Rose's Deli and they made a \$1000 contribution. He said the Sherwood Police are waiting for others to answer the challenge for Special Olympics.

Councilor Grant thanked Chief Groth for clarifying and commented that Walmart is a great addition to the community.

Councilor Butterfield reported the lighting project at Edy Ridge and Sherwood Middle School is scheduled to be completed this Friday. He thanked everyone that helped move the project forward. He commented on being accused of participating in self gain and he publically stated that he has no relationship with Gramor and he has never done any projects at the Y. He said the only thing he does with the Y is pay his membership and attend and said it is a great place. He stated he shops at Walmart but has never done a

job with them. He commented on the Dog Park Open House and said it is critical to have citizen input on this park and encourage people to attend.

Councilor Folsom said Councilor Butterfield has donated a lot of his time and provided examples. She thanked the Cultural Arts Commission for working with Tanya Hamilton to have the first Italian festival and thanked the VPA for supporting the event that hundreds attended. She thanked Kes Rooney for performing and the Les Mis performers. She commented on the communication between Tanya Hamilton and the City staff and noted the plaza is a great facility for those events. She congratulated the Old Town businesses for supporting one another to help things grow in Old Town. She thanked the Public Works Department for all their hard work on the summer events. She thanked the Police Department and said we have one of the safest communities in Oregon and appreciates their presence at the summer festivals.

Council President Henderson reminded citizens that the Council referred five ballot measures to the voters for the November election and said information is available on the City website. She thanked Mr. Gall and City Recorder Sylvia Murphy and the Charter Review Committee. She said we are seen as a model for other communities with the citizen lead committee and taking public comment and that is a complement to our process. She said there is an additional sign code meeting but the date hasn't been set but it will be after the candidate filing deadline. She reminded everyone that school will be starting and to please drive slowly in school zones. She commented on the Police Advisory Board having a representative from the Police Foundation and she would like to hear more about that organization.

Council President Henderson made a **motion to invite them to the September 16, 2014 City Council meeting under presentations and give them an opportunity to introduce themselves to the community.**

Councilor Folsom seconded the motion.

City Attorney Crean stated the Council Rules would require the motion to be, to place the item on the agenda forecast.

Council President Henderson said she has made the request twice to the City Manager to place the business on the agenda forecast and twice it has been removed from the agenda and she would like the Council to take a vote to invite the Police Foundation and if the Mayor chooses to remove it again he may but she would still like the Council to weigh in.

Mr. Crean said there is a rule to add something to the agenda but it is at a current meeting.

Councilor Henderson said she would consider that to be a walk-on and it would not give the public the opportunity to come and hear about the foundation in a presentation.

Mr. Crean said there is a motion and a second on the floor so if it is approved he will work with the City Manager to see if there is a way to add it to a future agenda, ideally the one identified in the motion.

Councilor Clark clarified with Mr. Crean that the motion is not a based motion in our current Council Rules.

Mr. Crean said he does not have the rules in front of him and apologized. He said he would take it as an advisory motion because it may not be consistent with the Council Rules but until he has a chance to consult with the rules, he does not know how to get something on the agenda in this fashion. He said the motion may be fine but he needs to see the rules and speak with the City Manager.

Councilor Clark asked if we should vote on something that you are not sure is a motion.

Mr. Crean said it is a motion and a second but he is not sure we can give effect to it and he will report back to the full Council. He said the larger question is how does a majority get something on the agenda and he said he thought they dealt with that in the Council Rules so he needs to review the Council Rules and see if this is the proper method for doing so and if so then we have a motion and a second on the floor.

City Manager Gall read a portion of the Council Rules regarding the agenda: *"The Mayor, in consultation with the City Council President and City Manager, shall prepare the agenda for City Council meetings. An amendment to a published City Council meeting agenda must be approved by the Mayor and Council President prior to a Council meeting with sufficient time to allow the public to be notified of the change."* He stated under that section is three sections: *"a) A Council member may propose an amendment to the agenda by motion under 'Approval of Agenda.' A Council member will endeavor to have a subject the member wants considered submitted in time to be placed on the agenda and attempt to notify the Mayor and City Manager in advance of proposing a change to the agenda. b) A Council member may request through the City Manager that an item be placed on an agenda. The City Manager will place the item on an agenda forecast for the Mayor and Council President to review. Council members will make best efforts to reach consensus on the agenda and should obtain staff input before requesting an agenda item. c) Agendas will generally be set to allow meetings to end no later than 9:30 p.m."* He stated that is the current Council Rules related to agenda creation.

Mr. Crean referred to section 2a which states a Council member may propose an amendment to the agenda by motion under "Approval of Agenda" and said we need to add "Approval of Agenda" to future agendas and the Council Rules set forth a list of headings and he noticed we do not have the heading on the agenda. He said under the Council Rules a proposed amendment to the agenda has to occur under "Approval of Agenda" and that said if it were done under 2a it would be like a walk-on and placed on that night's agenda. He said he does not see a means under the current Council Rules to have an item added to the agenda in that fashion.

Councilor Henderson clarified that if she asks for the Police Foundation to be put on the agenda and it was removed again it would not be noticed to the public that the meeting was happening and that there would be a presentation.

Mr. Crean said that is correct.

Councilor Henderson said it is frustrating and that is why she is making a second request to invite this organization to give a presentation as they will potentially be part of a citizen board and a partner in our community.

Councilor Folsom asked staff what they needed to see.

Councilor Langer asked why the Mayor would not put this on the agenda.

Mayor Middleton said he would talk to Councilor Langer later.

Councilor Folsom said the Council is here and we can't have a meeting....

Councilor Langer referred to transparency and asked why they could not discuss it.

Mayor Middleton replied no, he would talk about it later.

Councilor Langer said the Council President has asked twice and the Mayor continues to say no. He asked what the real story is.

Mayor Middleton said he would bring it up later in his meeting with the Council President and Councilor Langer said so much for transparency.

Mr. Crean clarified that at a minimum we deal with this as a request that it be placed on the agenda forecast again.

Mr. Gall said when he meets with the Mayor and the Council President they will have that conversation. He said the next meeting isn't until September 16 and that is the way he suggests we handle this. He said you have a motion on the table and asked if they needed to vote on it.

Councilor Butterfield asked if the Mayor will eventually tell the Council why, Mayor Middleton replied yes.

Mr. Crean said with respect to the motion on the floor it would not be effective even if approved so the best alternative is to withdraw the motion.

Council President Henderson said she would withdraw the motion but under duress and without justification.

Councilor Grant asked if we need a motion to put it on the agenda forecast.

Mr. Gall said there is enough interest from members of the Council for him to put it on the agenda forecast and said the next step is he will meet with the Mayor and the Council President to discuss the agenda and the Mayor has indicated that he will state what his concerns are at another time.

12. ADJOURN

Mayor Middleton adjourned the meeting at 8:55 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Bill Middleton, Mayor